

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STEVE MILLER, BILL WESLEY, JANE  
KRANZ, KATHI YARBOROUGH,  
SANTIAGO RESTREPO, JAMES  
SALVATORI, SCOTT LYNCH,  
MAUREEN SCHECHTMAN, KEVIN  
WILLIAMS, TERRY WARD, LIDIA BRAVO,  
LILIYA KRASILNIKOVA, TOM  
MARTELLO, CARLOS RESTREPO,  
LOUISE SKINIOTES, ALEXANDER,  
SKINIOTES, BRIAN PATTERSON AND  
CLIFF ASBURY,

Plaintiffs,

v.

NATIONAL CITY CORPORATION,  
NATIONAL CITY BANK D/B/A NATIONAL  
CITY MORTGAGE AND NATIONAL CITY  
MORTGAGE COMPANY,

Defendants.

Case No. \_\_\_\_\_

Judge: \_\_\_\_\_

FILED: JULY 15, 2008

08CV4016

JUDGE LEFKOW

MAGISTRATE JUDGE DENLOW

PH

**NOTICE OF REMOVAL**

Defendants National City Corporation and National City Bank d/b/a National City Mortgage Company, improperly identified in the Complaint as “National City Mortgage,” (collectively, “Defendants”), pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby remove to this Court the lawsuit captioned *Steve Miller, at al. v. National City Corporation, National City Bank d/b/a National City Mortgage and National City Mortgage Company*, Case No. 08-M5-1217 (Circuit Court of Cook County, Illinois, Municipal Department, Fifth District)(“State Court Lawsuit”). In support of removal, Defendants state as follows:

## **I. Introduction**

1. On July 8, 2008, Steve Miller, Bill Wesley, Jane Kranz, Kathi Yarborough, Santiago Restrepo, James Salvatori, Scott Lynch, Maureen Schechtman, Kevin Williams, Terry Ward, Lidia Bravo, Liliya Krasilnikova, Tom Martello, Carlos Restrepo, Louise Skiniotes, Alexander Skiniotes, Brian Patterson and Cliff Asbury (collectively "Plaintiffs") filed the State Court Lawsuit against Defendants.

2. Plaintiffs' Complaint alleges that prior to June 6, 2008, Defendants operated a National City Mortgage Company branch location at 12800 South Ridgeland, Unit H, Palos Heights, Illinois 60463 and that National City employed the Plaintiffs to work at the Palos Heights location. (Comp. ¶¶ 5, 6) The Complaint further alleges that on June 6, 2008, National City suspended Plaintiffs and denied them access to the Palos Heights location. (Comp. ¶¶ 7-9) The Complaint alleges two counts. The first count asserts a conversion claim, alleging that, as a result of the closure of the office, Defendants took possession of Plaintiffs' property inside the office, including file cabinets, computers, phones, copy machines, printers, fax machines and various personal items. (Comp. ¶¶ 12-15) The second count asserts a theft claim, alleging that Defendants' unauthorized possession of Plaintiffs' property has deprived Plaintiffs of the value and use of the property, and that Defendants unlawfully obtained the property for their own use and benefit. (Comp. ¶¶ 18-23) Plaintiffs demand the immediate return of the property as relief for their claims.

3. Defendants remove the State Court Lawsuit based on diversity of citizenship pursuant to 28 U.S.C. § 1441. This Notice of Removal is timely and proper pursuant to the provisions of 28 U.S.C. § 1446(b).

## **II. Diversity Jurisdiction Exists In This Case**

4. Removal is appropriate in this case on diversity grounds because this is a civil action between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. *See* 28 U.S.C. §§ 1332(a), 1441(b).

### **A. This Is A Civil Action Between Citizens Of Different States**

5. Defendant National City Corporation is incorporated under the laws of the state of Delaware and has its principal place of business in Cleveland, Ohio. Defendant National City Mortgage Company is a subsidiary of National City Corporation and has its principal place of business in Ohio. Defendant National City Bank is incorporated under the laws of the state of Ohio and has its principal place of business in Ohio.

6. At the time this action was filed, Plaintiffs were, and continue to be, citizens and residents of the state of Illinois. *See* 28 U.S.C. § 1332(b).

### **B. The Matter In Controversy Exceeds The Sum Or Value Of \$75,000**

7. The matter in controversy in the State Court Lawsuit exceeds the sum or value of \$75,000, exclusive of interest or costs. *See* 28 U.S.C. §§ 1332(a).

8. It is well-established that where, as here, a complaint does not specify the amount of recovery it seeks, a defendant may remove the case on diversity grounds based on a showing that there is a “reasonable probability” that the plaintiff’s claims meet the federal amount-in-controversy requirement. *See, e.g., Vail v. Orkin Exterminating Co., Inc.*, 1991 WL 134275 \*2 (N.D.Ill. June 12, 1991) (applying “reasonable probability” test when plaintiff’s complaint alleged damages below federal jurisdictional amount). Moreover, in actions seeking declaratory or injunctive relief, the amount in controversy is measured by the “object of the litigation.” *Hunt v. Washington State Apple Advertising Comm’n*, 432 U.S. 333, 347 (1974). Evaluating the cost

or value of an injunction must be done from the “viewpoint of *either* the plaintiff or the defendant.” *In re Brand Name Prescription Drugs Antitrust Litigation*, 123 F.3d 599, 609 (7th Cir. 1997); *McCarty v. Amoco Pipeline Co.*, 595 F.2d 389, 391-95 (7th Cir. 1979). Here, it is “reasonably probable” that Plaintiffs’ claims exceed the sum or value of \$75,000.

9. The cost or value of the injunctive relief sought by Plaintiffs exceeds \$75,000 because the value of the physical property – *i.e.*, the computers – *plus* the information stored on the computers exceeds \$75,000. Specifically, the personal computer equipment in question consists of ten desktops, four laptops and two servers. The 14 computers have an approximate value of \$1,000 each, and the servers have an approximate value of \$10,000 each. Thus, the value of the equipment is approximately \$34,000.

10. In addition, the value of the information stored on the computers, which is the true source of the dispute at issue in this litigation, easily exceeds \$75,000. Plaintiffs used the computers while employed by National City and had job responsibilities that primarily involved the solicitation of mortgage loan customers and the preparation of mortgage loan applications. Accordingly, the computers contain confidential private financial data relating to National City applicants and customers, including but not limited to, checking, savings and credit card account information, outstanding debt and liabilities, social security numbers, and client contact information. This information has been used to generate loans worth hundreds of millions of dollars to National City and is clearly worth well in excess of \$75,000 to Defendants.

11. Further, Title V of the Gramm-Leach-Bliley Act (15 U.S.C. ¶ 6801 et seq.) requires financial institutions such as Defendants to ensure the protection and non-disclosure of confidential client information. Breach of this obligation by returning computers containing this confidential information to Plaintiffs may make Defendants subject to damages and penalties

well in excess of \$75,000. Accordingly, for this reason as well it is probable that the amount in controversy exceeds \$75,000.

**III. Compliance With 28 U.S.C. § 1446**

12. The above-captioned action was commenced within the judicial district of the United States District Court for the Northern District of Illinois.

13. All pleadings in the State Court Lawsuit received by Defendants are attached to this Notice of Removal as Exhibit 1, in compliance with 28 U.S.C. § 1446(a).

14. This Notice of Removal is being filed with this Court within 30 days after receipt of the Complaint, in compliance with 28 U.S.C. § 1446(b).

15. Concurrently with the filing of this Notice of Removal, Defendants are giving written notice of the filing of this Notice of Removal to all parties of record and are filing a copy of the Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois, Municipal Department, Fifth District, as required by 28 U.S.C. § 1446(d).

Dated: July 15, 2008

Respectfully submitted,

s/ Michael J. Gray

Michael J. Gray (IL Bar No. 06210880)

E-mail: [mjgray@jonesday.com](mailto:mjgray@jonesday.com)

Brent D. Knight (IL Bar No. 6251708)

E-mail: [bknight@jonesday.com](mailto:bknight@jonesday.com)

Rheaana Towner Guess (IL Bar No. 6284151)

E-mail: [rguess@jonesday.com](mailto:rguess@jonesday.com)

JONES DAY

77 West Wacker, Suite 3500

Chicago, IL 60601-1692

Telephone: (312) 782-3939

Facsimile: (312) 782-8585

Attorneys for Defendants

National City Corporation, National City Bank  
and National City Mortgage Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **NOTICE OF REMOVAL** has been served upon counsel of record this 15th day of July, 2008, by facsimile and U.S. Mail, first class, postage prepaid, as follows:

Alan Bruggerman  
Bruggerman, Hurst & Associates, PC  
20012 Wolf Road, Suite 200  
Mokena, Illinois, 60448

s/ Rheaana Towner Guess  
Rheaana Towner Guess

08CV4016

JUDGE LEFKOW

MAGISTRATE JUDGE DENLOW

COPY

STATE OF ILLINOIS )  
 ) SS PH  
COUNTY OF COOK )

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT, FIFTH DISTRICT**

STEVE MILLER, BILL WESLEY, )  
JANE KRANZ, KATHI YARBOROUGH, )  
SANTIAGO RESTREPO, JAMES SALVATORI, )  
SCOTT LYNCH, MAUREEN SCHECHTMAN, )  
KEVIN WILLIAMS, TERRY WARD, LIDIA )  
BRAVO, LILIYA KRASILNIKOVA, TOM )  
MARTELLO, CARLOS RESTREPO, LOUISE )  
SKINIOTES, ALEXANDER SKINIOTES, )  
BRIAN PATTERSON, and CLIFF ASBURY, )

Plaintiffs, )

vs. )

NATIONAL CITY CORPORATION, )  
NATIONAL CITY BANK d/b/a NATIONAL )  
CITY MORTGAGE, and, NATIONAL )  
CITY MORTGAGE COMPANY )

Defendant. )

08M5 1217

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CLERK OF THE CIRCUIT COURT  
DISTRICT-5  
DOROTHY BROWN  
CLERK

**VERIFIED COMPLAINT**

Plaintiffs set forth above, by their attorneys, Bruggeman, Hurst & Associates, P.C., complain of Defendants, National City Corporation, National City Bank d/b/a National City Mortgage, and National City Mortgage Company (hereinafter "National City"), and in support thereof state as follows:

1. Plaintiffs at all relevant times were employed by the Defendants in Palos Heights, Illinois 60463.



2. Defendants, National City, at all relevant times operated a business at 12800 South Ridgeland Avenue, Unit H, Palos Heights, Illinois 60463.

### **JURISDICTION/VENUE**

3. Jurisdiction is proper pursuant to 735 ILCS 5/2-209(a)(2) and 735 ILCS 5/2-209(b)(2), because the tortious act that is the subject of this Complaint occurred within this State, Defendants transact business within this State, and Defendants rent and use property within this State.

4. Venue is proper in Cook County pursuant to 735 ILCS 5/2-101(1) and (2), because the tortious act that is the subject of this Complaint occurred in Cook County, Defendants transacts business in Cook County, and Defendants rent and use property in Cook County.

### **FACTUAL BACKGROUND**

5. Prior to June 6, 2008, Defendants, National City, operated a National City Mortgage branch location at 12800 South Ridgeland, Unit H, Palos Heights, Illinois 60463.

6. Prior to June 6, 2008, Defendants, National City, employed the Plaintiffs to work at said National City Mortgage location in Palos Heights, Illinois.

7. On or about June 6, 2008, Defendants, National City, suspended the Plaintiffs without notice or just cause.

8. On or about June 6, 2008, Defendants, National City, changed the locks at said National City Mortgage location in Palos Heights, Illinois.

9. On or about June 6, 2008, Defendants, National City, denied the Plaintiffs access to the National City Mortgage location in Palos Heights, Illinois.

10. On or about June 9, 2008, Defendants, National City, took down the signs at said National City Mortgage location in Palos Heights, Illinois, and removed certain items from within the offices at said location, including personal property of the Plaintiffs.

**COUNT I - CONVERSION**

11. The Plaintiffs reallege and incorporate Paragraphs 1 through 10 of this Complaint as Paragraph 11 of Count I, as though fully set forth herein.

12. On or about June 6, 2008 and June 9, 2008, Defendants, National City, took possession of property at said National City Mortgage location in Palos Heights, Illinois, including, on information and belief, file cabinets, computers, phones, copy machines, printers and fax machines.

13. On or about June 6, 2008 and June 9, 2008, Defendants, National City, also took possession of various personal items of the Plaintiffs, including personal business files and personal computers.

14. Much of the property Defendants, National City, have taken possession of does not belong to National City, including the Plaintiffs' business files and personal computers.

15. Plaintiffs have not authorized Defendants, National City, to take, use, possess or control the above-mentioned property.

16. On or about June 26, 2008, Plaintiffs demanded the immediate return of the above-mentioned property, including their personal computers, but Defendants failed and refused, and continue to fail and refuse to return the entirety of this property, including the personal computers, to Plaintiffs. A copy of Plaintiffs' written demand for return of the property is attached hereto as Exhibit 1 and made a part hereof.

WHEREFORE, Plaintiffs set forth above, pray that this Court enter judgment in their favor, and against Defendants, National City, in an amount not exceeding \$50,000.00, and order the Defendants to immediately return the property mentioned above, including Plaintiffs' personal computers, together with costs and such other and further relief as this Court deems just.

**COUNT II – THEFT**

17. The Plaintiffs reallege and incorporate Paragraphs 1 through 10 of this Complaint as Paragraph 17 of Count II, as though fully set forth herein.

18. On or about June 6, 2008 and June 9, 2008, Defendants, National City, took possession of property at said National City Mortgage location in Palos Heights, Illinois, including, on information and belief, file cabinets, computers, phones, copy machines, printers and fax machines.

19. On or about June 6, 2008 and June 9, 2008, Defendants, National City, also took possession of various personal items of the Plaintiffs, including personal business files and personal computers.

20. Much of the property Defendants, National City, have taken possession of does not belong to National City Bank, including the Plaintiffs' business files and personal computers.

21. Plaintiffs have not authorized Defendants, National City, to take, use, possess or control the above-mentioned property.

22. Defendants have deprived the Plaintiffs of the value and use of their property.

23. On information and belief, Defendants intend to use the unlawfully obtained property of the Plaintiffs for its own personal use and benefit.

24. On or about June 26, 2008, Plaintiffs demanded the immediate return of the above-mentioned property, including their personal computers, but Defendants failed and refused, and continue to fail and refuse to return the entirety of this property, including the personal computers, to Plaintiffs. A copy of Plaintiffs' written demand for return of the property is attached hereto as Exhibit 1 and made a part hereof.

WHEREFORE, Plaintiffs set forth above, pray that this Court enter judgment in their favor, and against Defendants, National City, in an amount not exceeding \$50,000.00, and order the Defendants to immediately return the property mentioned above, including Plaintiffs' personal computers, together with costs and such other and further relief as this Court deems just.

BRUGGEMAN, HURST & ASSOCIATES, P.C.

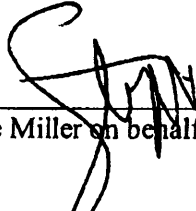
By:   
One of Plaintiffs' Attorneys

6501 11/12/08  
BRUGGEMAN, HURST & ASSOCIATES, P.C. #38920  
Attorneys for Plaintiffs  
20012 Wolf Road  
Suite 200  
Mokena, Illinois 60448  
(708) 478-6900

STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF COOK                    )

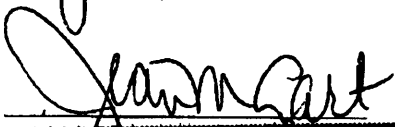
**VERIFICATION**

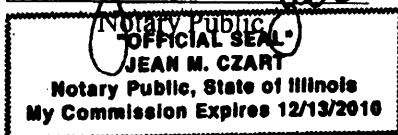
Steve Miller on behalf of the Plaintiffs, upon oath states that he has read the above and foregoing Verified Complaint, and that the same is true and correct to the best of his knowledge.

  
\_\_\_\_\_  
Steve Miller on behalf of the Plaintiffs

SUBSCRIBED AND SWORN TO

before me this 3rd day of  
July, 2008.





STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT, FIFTH DISTRICT**

STEVE MILLER, BILL WESLEY, )  
JANE KRANZ, KATHI YARBOROUGH, )  
SANTIAGO RESTREPO, JAMES SALVATORI, )  
SCOTT LYNCH, MAUREEN SCHECHTMAN, )  
KEVIN WILLIAMS, TERRY WARD, LIDIA )  
BRAVO, LILIYA KRASILNIKOVA, TOM )  
MARTELLO, CARLOS RESTREPO, LOUISE )  
SKINIOTES, ALEXANDER SKINIOTES, ) No:  
BRIAN PATTERSON, CLIFF ASBURY, )

Plaintiffs, )

vs. )

NATIONAL CITY CORPORATION, )  
NATIONAL CITY BANK d/b/a NATIONAL )  
CITY MORTGAGE, NATIONAL CITY )  
MORTGAGE COMPANY, )

Defendant. )

**SUPREME COURT RULE 222 AFFIDAVIT**

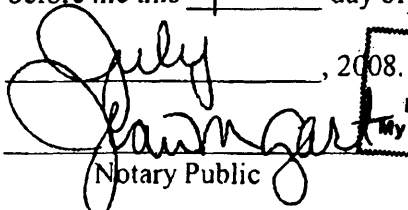
NOW COMES Steve Miller and behalf of the Plaintiffs and pursuant to Supreme Court Rule 222(b), state that the above-entitled cause seeks money damages which will not exceed \$50,000.00.

  
Steve Miller on behalf of the Plaintiffs

SUBSCRIBED AND SWORN TO

before me this 14th day of

July, 2008.

  
Notary Public



**BRUGGEMAN, HURST & ASSOCIATES, PC**  
ATTORNEYS AT LAW

20012 WOLF ROAD  
SUITE 200  
MOKENA, ILLINOIS 60448  
PHONE: (708) 478-6900  
FAX: (708) 478-6911

ALAN R. BRUGGEMAN  
DAVID C. HURST

JEANETTE M. RIEL  
(1960-2007)

June 26, 2008

MICHAEL G. BOUCK  
MIKAL J. STOLE  
CHRIS KOCHANOWICZ

**VIA FACSIMILE**

**(312) 782-8585**

Mr. Brent D. Knight  
Jones Day  
77 West Wacker  
Suite 3500  
Chicago, Illinois 60601

Re: Miller/National City Mortgage

Dear Mr. Knight:

Please be advised that we represent the following individuals who were terminated by National City Mortgage and locked out of their offices:

Alexander Skiniotes  
Bill Wesley  
Jane Cranz  
Kathi Yarbrough  
Santiago Restrepo  
James Salvatori  
Kevin Williams  
Louise Skiniotes

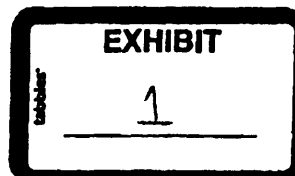
Scott Lynch  
Maureen Schechtman  
Terry Ward  
Lidia Bravo  
Lilliya Krasilnikova  
Tom Martello  
Carlos Restrepo

Demand is made for the return of each individual's personal property by Friday, June 27, 2008, or they will take legal action.

Very truly yours,  
  
Alan R. Bruggeman

ARB:jmc

cc: National City Mortgage



08CV4016

JUDGE LEFKOW

MAGISTRATE JUDGE DENLOW

STATE OF ILLINOIS

PH

) SS

COUNTY OF COOK

)

COPY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT, FIFTH DISTRICT

STEVE MILLER, BILL WESLEY, )  
JANE KRANZ, KATHI YARBOROUGH, )  
SANTIAGO RESTREPO, JAMES SALVATORI, )  
SCOTT LYNCH, MAUREEN SCHECHTMAN, )  
KEVIN WILLIAMS, TERRY WARD, LIDIA )  
BRAVO, LILIYA KRASILNIKOVA, TOM )  
MARTELLO, CARLOS RESTREPO, LOUISE )  
SKINIOTES, ALEXANDER SKINIOTES, )  
BRIAN PATTERSON, and CLIFF ASBURY, )

Plaintiffs,

vs.

NATIONAL CITY CORPORATION, )  
NATIONAL CITY BANK d/b/a NATIONAL )  
CITY MORTGAGE, and, NATIONAL )  
CITY MORTGAGE COMPANY )

Defendant.

No: 08 M5 12

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CLERK OF THE CIRCUIT COURT  
DISTRICT-5  
DOROTHY BROWN CLERK

NOTICE OF EMERGENCY MOTION

To: National City Mortgage Company  
3232 Newmark Drive  
Miamisburg, Ohio 45342

National City Bank d/b/a National City  
Mortgage  
7151 West 159th Street  
Tinley Park, Illinois 60477

National City Corporation  
1900 East Ninth Street  
Cleveland, Ohio 44114

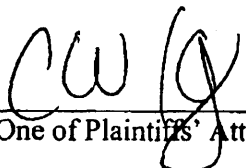
YOU ARE HEREBY NOTIFIED that on July 16, 2008 at 9:30  
a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable  
presiding Judge, Courtroom 205, Bridgeview Courthouse, 10220 South 76th Avenue,  
Bridgeview, Illinois and then and there present:

**Emergency Motion for Injunctive Relief**



a copy of which is enclosed, at which time you may appear if you so desire.

BRUGGEMAN, HURST & ASSOCIATES, P.C.

By:  \_\_\_\_\_  
One of Plaintiffs' Attorneys

BRUGGEMAN, HURST & ASSOCIATES, LTD. #38920  
Attorneys for Plaintiffs  
20012 Wolf Road  
Suite 200  
Mokena, Illinois 60448  
(708) 478-6900

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he/she mailed a copy of the foregoing Notice of Emergency Motion and Emergency Motion for Injunctive Relief to:

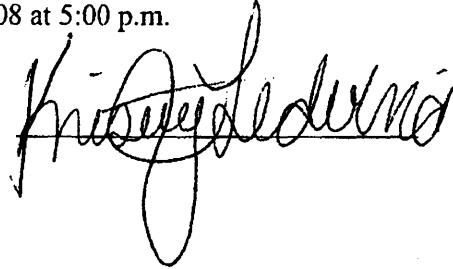
National City Mortgage Company  
3232 Newmark Drive  
Miamisburg, Ohio 45342

National City Bank d/b/a National City Mortgage  
7151 West 159th Street  
Tinley Park, Illinois 60477

National City Corporation  
1900 East Ninth Street  
Cleveland, Ohio 44114

by depositing a copy of same personally in the United States mail at Mokena, Illinois properly addressed to said attorney with proper postage affixed thereto on the 8th day of July, 2008.

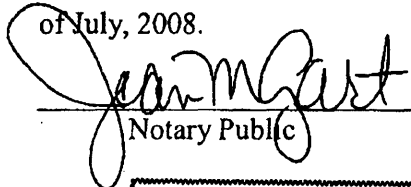
The undersigned further certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause as disclosed by the pleadings of record herein, by Telefax to National City Corporation, Fax No. (216) 222-9957, to National City Bank d/b/a National City Mortgage, Fax No. (708) 429-3099 and to National City Mortgage Company, Fax No. (937) 910-3333 on the 8th day of July, 2008 at 5:00 p.m.



SUBSCRIBED AND SWORN TO

before me this 8th day

of July, 2008.

  
Notary Public

"OFFICIAL SEAL"  
JEAN M. CZART  
Notary Public, State of Illinois  
My Commission Expires 12/13/2010

COPY

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT, FIFTH DISTRICT

STEVE MILLER, BILL WESLEY, )  
JANE KRANZ, KATHI YARBOROUGH, )  
SANTIAGO RESTREPO, JAMES SALVATORI, )  
SCOTT LYNCH, MAUREEN SCHECHTMAN, )  
KEVIN WILLIAMS, TERRY WARD, LIDIA )  
BRAVO, LILIYA KRASILNIKOVA, TOM )  
MARTELLO, CARLOS RESTREPO, LOUISE )  
SKINIOTES, ALEXANDER SKINIOTES, )  
BRIAN PATTERSON, and CLIFF ASBURY, )

Plaintiffs, )

vs. )

NATIONAL CITY CORPORATION, )  
NATIONAL CITY BANK d/b/a NATIONAL )  
CITY MORTGAGE, and, NATIONAL )  
CITY MORTGAGE COMPANY )

Defendant. )

No: 08 M5 121  
DOROTHY BROWN CLERK  
CLERK OF THE CIRCUIT COURT  
DISTRICT-5  
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**EMERGENCY MOTION FOR INJUNCTIVE RELIEF**

Plaintiffs set forth above, by their attorneys, Bruggeman, Hurst & Associates, P.C., for their Emergency Motion for Injunctive relief against Defendants, National City Corporation, National City Bank d/b/a National City Mortgage, and National City Mortgage Company (hereinafter "National City"), state as follows:

1. Plaintiffs at all relevant times were employed by the Defendants in Palos Heights, Illinois 60463.

2. Defendants, National City, at all relevant times operated a business at 12800 South Ridgeland Avenue, Unit H, Palos Heights, Illinois 60463.

3. On or about June 6, 2008, Defendants, National City, suspended the Plaintiffs without notice or just cause.

4. On or about June 6, 2008, Defendants, National City, changed the locks at said National City Mortgage location in Palos Heights, Illinois.

5. On or about June 6, 2008, Defendants, National City, denied the Plaintiffs access to the National City Mortgage location in Palos Heights, Illinois.

6. On or about June 6, 2008, Defendants, National City, took possession of property at said National City Mortgage location in Palos Heights, Illinois, including, on information and belief, file cabinets, computers, phones, copy machines, printers, and fax machines.

7. On or about June 6, 2008, Defendants, National City, also took possession of various personal items of the Plaintiffs, including personal business files and personal computers.

8. Much of the property Defendants, National City, have taken possession of does not belong to National City, including the Plaintiffs' personal business files and personal computers.

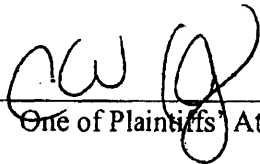
9. Plaintiffs have not authorized Defendants, National City, to take, use, possess, access, or control the above-mentioned personal property.

10. On or about June 26, 2008, Plaintiffs demanded the immediate return of the above-mentioned property, including their personal computers, but Defendants failed and refused, and continue to fail and refuse to return the entirety of this property, including the personal computers, to Plaintiffs. A copy of Plaintiffs' written demand for return of the property is attached hereto as Exhibit 1 and made a part hereof.

11. Plaintiffs' right to possession, control, and privacy in and of their personal property, has and will continue to be violated if Defendant continues in its refusal to return said items to the Plaintiffs.

WHEREFORE, Plaintiffs set forth above, pray that this Court grant their Emergency Motion for Injunctive Relief and deny the Defendants any use, possession, access, and control of the personal property of the Plaintiffs, including personal business files and personal computers. Plaintiffs further pray that this Court order the Defendants to immediately return all personal property of the Plaintiffs, including personal business files and personal computers.

BRUGGEMAN, HURST & ASSOCIATES, P.C.

By:  \_\_\_\_\_  
One of Plaintiffs' Attorneys

BRUGGEMAN, HURST & ASSOCIATES, P.C. #38920  
Attorneys for Plaintiffs  
20012 Wolf Road, Suite 200  
Mokena, Illinois 60448  
(708) 478-6900

**BRUGGEMAN, HURST & ASSOCIATES, PC**  
ATTORNEYS AT LAW

20012 WOLF ROAD  
SUITE 200  
MOKENA, ILLINOIS 60448  
PHONE: (708) 478-6900  
FAX: (708) 478-6911

ALAN R. BRUGGEMAN  
DAVID C. HURST

JEANETTE M. RIEL  
(1960-2007)

June 26, 2008

MICHAEL G. BOUCK  
MIKAL J. STOLE  
CHRIS KOCHANOWICZ

**VIA FACSIMILE**

**(312) 782-8585**

Mr. Brent D. Knight  
Jones Day  
77 West Wacker  
Suite 3500  
Chicago, Illinois 60601

Re: Miller/National City Mortgage

Dear Mr. Knight:

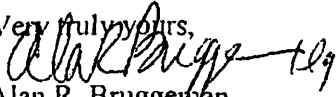
Please be advised that we represent the following individuals who were terminated by National City Mortgage and locked out of their offices:

Alexander Skiniotes  
Bill Wesley  
Jane Cranz  
Kathi Yarbrough  
Santiago Restrepo  
James Salvatori  
Kevin Williams  
Louise Skiniotes

Scott Lynch  
Maureen Schechtman  
Terry Ward  
Lidia Bravo  
Lilliya Krasilnikova  
Tom Martello  
Carlos Restrepo

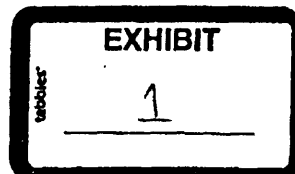
Demand is made for the return of each individual's personal property by Friday, June 27, 2008, or they will take legal action.

Very truly yours,

  
Alan R. Bruggeman

ARB:jmc

cc: National City Mortgage



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STEVE MILLER, BILL WESLEY, JANE  
KRANZ, KATHI YARBOROUGH,  
SANTIAGO RESTREPO, JAMES  
SALVATORI, SCOTT LYNCH,  
MAUREEN SCHECHTMAN, KEVIN  
WILLIAMS, TERRY WARD, LIDIA  
BRAVO, LILIYA KRASILNIKOVA, TOM  
MARTELLO, CARLOS RESTREPO,  
LOUISE SKINIOTES, ALEXANDER  
SKINIOTES, BRIAN PATTERSON AND  
CLIFF ASBURY,

Plaintiffs,

v.

NATIONAL CITY CORPORATION,  
NATIONAL CITY BANK D/B/A  
NATIONAL CITY MORTGAGE AND  
NATIONAL CITY MORTGAGE  
COMPANY,

Defendant.

08CV4016

JUDGE LEFKOW

MAGISTRATE JUDGE DENLOW

Case No.

PH

Judge:

**DEFENDANTS' NATIONAL CITY CORPORATION, NATIONAL CITY BANK  
AND NATIONAL CITY MORTGAGE COMPANY CERTIFICATE OF INTEREST  
(CORPORATE DISCLOSURE STATEMENT)**

The undersigned, counsel of record for Defendants National City Corporation, National City Bank d/b/a National City Mortgage Company (improperly identified in the Complaint as "National City Mortgage") furnishes the following in compliance with Federal Rule of Civil Procedure 7.1 and Local Rule 3.2:

1. National City Corporation, National City Bank, National City Mortgage Company, improperly named as National City Mortgage, are the full names of every party the undersigned represents in this case.
2. (a) National City Corporation is the parent corporation of National City Bank and National City Mortgage Company.

(b) No publicly held company directly owns 5% or more of National City Corporation. National City Corporation, a publicly traded company, owns 100% of National City Bank and National City Mortgage Company.

3. Jones Day is the only firm whose partners or associates are expected to Appear for National City Corporation, National City Bank and National City Mortgage Company in this case.



Dated: July 15, 2008

Respectfully submitted,

s/ Michael J. Gray

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JONES DAY

77 West Wacker

Chicago, IL 60601-1692

Telephone: (312) 782-3939

Facsimile: (312) 782-8585

Attorneys for Defendant Verizon North, Inc.

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that she caused a true and correct copy of the foregoing **DEFENDANTS' NATIONAL CITY CORPORATION, NATIONAL CITY BANK AND NATIONAL CITY MORTGAGE COMPANY CERTIFICATE OF INTEREST (CORPORATE DISCLOSURE STATEMENT)** to be served on the following by facsimile and first class U.S. mail, postage prepaid, on this 15<sup>th</sup> day of July, 2008:

Alan Bruggerman  
Bruggerman, Hurst & Associates, PC  
20012 Wolf Road, Suite 200  
Mokena, Illinois, 60448

s/ Rheaana Towner Guess  
Rheaana Towner Guess